

|   |
|---|
| <p style="text-align: center;"><b>EXHIBIT</b></p> <p style="text-align: center;"><b>D</b></p> |
|---|

**From:** [Robert Kaplan](#)  
**To:** [Spung, James](#)  
**Subject:** RE: Status Conference Agenda  
**Date:** Wednesday, February 1, 2023 12:09:21 PM

[EXTERNAL EMAIL]

Pls give me a call 646 209-7764

**From:** Spung, James <[James.Spung@huschblackwell.com](mailto:James.Spung@huschblackwell.com)>  
**Sent:** Wednesday, February 1, 2023 1:06 PM  
**To:** Smith, Chris <[Chris.Smith@huschblackwell.com](mailto:Chris.Smith@huschblackwell.com)>; Robert Kaplan <[RKaplan@kaplanfox.com](mailto:RKaplan@kaplanfox.com)>  
**Subject:** RE: Status Conference Agenda

Bob, just pinging you on the below. We plan on refileing the answer with the affirmative defenses served on you several months ago attached by the end of the week. Thanks.

**A. James Spung**  
**Partner**  
 Direct (Denver)\*: 303-749-7226  
 Direct (St. Louis): 314-345-6664  
[James.Spung@huschblackwell.com](mailto:James.Spung@huschblackwell.com)

\*Admitted to practice in Colorado pending admission.

**From:** Smith, Chris <[Chris.Smith@huschblackwell.com](mailto:Chris.Smith@huschblackwell.com)>  
**Sent:** Tuesday, January 24, 2023 9:26 AM  
**To:** Robert Kaplan <[RKaplan@kaplanfox.com](mailto:RKaplan@kaplanfox.com)>  
**Cc:** Spung, James <[James.Spung@huschblackwell.com](mailto:James.Spung@huschblackwell.com)>  
**Subject:** Re: Status Conference Agenda

Okay. On an unrelated issue, we did not restate our affirmative defenses to our answer on Friday since we had previously served those per court order and are providing rog responses on them tomorrow. I am not sure they need to be restated, but noticed others did. We are contemplating refilling just to be consistent. Do you have any opposition?

Txs.

Christopher Andrew Smith  
 Husch Blackwell LLP

From Mobile 314-517-2162  
[chris.smith@huschblackwell.com](mailto:chris.smith@huschblackwell.com)

On Jan 24, 2023, at 10:18 AM, Robert Kaplan <[RKaplan@kaplanfox.com](mailto:RKaplan@kaplanfox.com)> wrote:

[EXTERNAL EMAIL]

Chris, let's agree on Feb 3 for our response to your motion for leave to file. Thanks Bob

**From:** Smith, Chris <[Chris.Smith@huschblackwell.com](mailto:Chris.Smith@huschblackwell.com)>  
**Sent:** Tuesday, January 24, 2023 11:15 AM  
**To:** Robert Kaplan <[RKaplan@kaplanfox.com](mailto:RKaplan@kaplanfox.com)>  
**Cc:** Spung, James <[James.Spung@huschblackwell.com](mailto:James.Spung@huschblackwell.com)>  
**Subject:** Re: Status Conference Agenda

I don't think we would object to that. Although, I see this motion as really pro forma. The other option would be to not oppose leave and we can agree on a briefing schedule that gives you more than the default 21 days to respond.

Christopher Andrew Smith  
 Husch Blackwell LLP

From Mobile 314-517-2162  
[chris.smith@huschblackwell.com](mailto:chris.smith@huschblackwell.com)

On Jan 24, 2023, at 9:31 AM, Robert Kaplan <[RKaplan@kaplanfox.com](mailto:RKaplan@kaplanfox.com)> wrote:

[EXTERNAL EMAIL]

Chris based on this we can serve/file our response on Feb 3. Is that ok? Thx Bob

**From:** Smith, Chris <[Chris.Smith@huschblackwell.com](mailto:Chris.Smith@huschblackwell.com)>